

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV12232-PBS

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ADRIAN McCRAY,

Plaintiff,

v.

H&R BLOCK EASTERN ENTERPRISES, INC.,  
and LINDA MURPHY,

Defendants.

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**DEFENDANTS' ASSENTED-TO MOTION TO CONTINUE**  
**SUMMARY JUDGMENT HEARING**

Defendants, H&R Block Eastern Enterprises, Inc. and Linda Murphy, hereby move to continue the hearing on their summary judgment motion currently scheduled for December 13, 2005. Defendants have received the Plaintiff's assent to this Motion. As grounds for this motion, the Defendants state as follows:

1. Defendants filed their summary judgment motion, in accordance with the Court's scheduling order, on November 15, 2005.
2. Defendants received the Opposition of the Plaintiff, Adrian McCray, on December 8, 2005, over 9 days after the deadline for filing such opposition pursuant to the Federal Rules of Civil Procedure and Local Rule 7(b)(2).
3. The Plaintiff's Opposition to the Defendants' Summary Judgment motion includes an affidavit of the Plaintiff, which contains new factual allegations not contained in the Plaintiff's deposition or in other pleadings before the Court.

4. Concurrent with receipt of the Plaintiff's Opposition, Defendants' counsel responsible for arguing the case encountered unexpected personal issues that continued throughout the last week, kept her away from the office, and prevented her from developing complete responses to the Plaintiffs' late-filed opposition.

5. In order to respond properly to the Plaintiff's Opposition, the Defendants respectfully request that the Court continue the hearing until such time as is convenient for the Court.

6. The Plaintiff has assented to this Motion.

WHEREFORE, for the reasons set forth above, Defendants H&R Block Eastern Enterprises, Inc. and Linda Murphy respectfully request that the Court grant its Motion to Continue the summary judgment hearing in this matter.

Respectfully submitted,

H&R BLOCK EASTERN ENTERPRISES,  
INC. and LINDA MURPHY,

By their attorneys,

/s/ Jennifer Belli

Adrienne M. Markham, BBO# 320740  
Deborah Hesford DosSantos, BBO# 641185  
Jennifer Belli, BBO# 660278

GOULSTON & STORRS,  
A Professional Corporation  
400 Atlantic Avenue  
Boston, Massachusetts 02110  
(617) 482-1776

Dated: December 12, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2005, I caused the foregoing Motion to be served upon all counsel of record by fax and first class mail.

/s/ Jennifer Belli  
Jennifer Belli